

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION

FILED

DEC 15 2010

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Winchester

PHONEUS, LLC,

Plaintiff,

v.

HIGHWAY GAMES, LLC.,

Defendant.

Civil Action No. 1:10-cv-00091

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Highway Games, LLC ("Highway Games"), removes this action from the Chancery Court for Bedford County, Tennessee; Docket No. 28536, and states as follows:

1. Highway Games was served with the Complaint in this action on November 29, 2010. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

2. This action is one of a civil nature and is removable under 28 U.S.C. § 1441 on the grounds that there is diversity of citizenship based on the following:

a. Plaintiff PhoneUS, LLC is a Tennessee limited liability company with its principal place of business in Tennessee. (Complaint ¶1)

b. Defendant Highway Games, LLC is a Florida limited liability company with its principal place of business in Florida. (Complaint ¶2)

3. Although the Complaint does not contain a specific monetary demand, it does request, among other things, a 5-year injunction against Defendant and an award of "damages, profits and exemplary damages," thus satisfying the \$75,000.00 jurisdictional amount-in-controversy requirement.

4. The United States District Court for the Eastern District of Tennessee – Winchester Division embraces the Chancery Court for Bedford County, Tennessee.

5. Pursuant to 28 U.S.C. § 1446, and without waiving any claims or defenses of Highway Games, attached herewith and marked as “**Exhibit A**” is a copy of all process, pleadings, and orders provided to Highway Games in the state court action.

6. Written notice of the filing of this Notice of Removal will be provided to Plaintiff.

7. A true and correct copy of this Notice of Removal will be filed with the Chancery Court for Bedford County, Tennessee.

**WHEREFORE**, Defendant Highway Games, LLC respectfully requests that this action be removed to this Court and that the action be placed on the docket of this Court for further proceedings.

Respectfully submitted,



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*Counsel for Highway Games, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of December, 2010, I served a copy of the foregoing  
via regular mail, postage prepaid, upon:

Mark J. Patterson, Esq.  
WADDEY & PATTERSON, P.C.  
1600 Division Street, Ste. 500  
Nashville, Tennessee 37203

and

John H. Norton, III, Esq.  
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*Counsel for Phoneus, LLC*



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Samuel P. Funk